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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Eleventh periodic reports of States parties due in 1995

Addendum

UNITED ARAB EMIRATES 1/

[Original: Arabic]
[23 February 1995]

Report on legislative measures adopted to combat racial discrimination, in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination

Information concerning the State's position in regard to the application of the Convention to all sections of its population

1. The United Arab Emirates categorically rejects racial discrimination and has undertaken to implement all the provisions of the Convention since the Islamic Shari'a, which is the principal source of legislation, prohibits all forms of discrimination among members of society.

1/ This report contains in a single document the seventh, eighth, ninth, tenth and eleventh periodic reports of the United Arab Emirates due on 21 July 1987, 1989, 1991, 1993 and 1995, respectively. For the previous reports submitted by the Government of the United Arab Emirates and the summary records of the meetings of the Committee at which the reports were considered, see:

Initial report - CERD/C/R.75/Add.4 (CERD/C/SR.343-SR.344),
Second periodic report - CERD/C/27 (CERD/C/SR.389-SR.390),
Third periodic report - CERD/C/47/Add.2 (CERD/C/SR.460),
Fourth periodic report - CERD/C/74/Add.1 (CERD/C/SR.552),
Fifth periodic report - CERD/C/105/Add.2 (CERD/C/SR.664),
Sixth periodic report - CERD/C/130/Add.1 (CERD/C/SR.824).

2. The Constitution of the United Arab Emirates emphasizes the need for equality, social justice and the provision of security, peace of mind and equal opportunities for all, without any discrimination between citizens of the Union on grounds of origin, place of residence, religious belief or social status. Every citizen is free to choose his occupation or profession and the State is endeavouring to ensure employment opportunities for its citizens and is training them therefor. To this end, the State has established an appropriate environment by promulgating legislation to protect the rights of workers and the interests of employers.

3. Freedom of movement and residence is guaranteed for all and private property is protected. The law specifies the restrictions applicable to private property, which can be expropriated only if the public interest so requires, in accordance with the provisions of the law and in return for fair compensation.

4. Education is compulsory at the primary level and free of charge at all levels within the State, which undertakes to provide all educational requisites to the extent needed to achieve the desired objectives.

5. The State provides health care for its citizens, as well as the means to prevent and treat diseases and epidemics, and has encouraged the establishment of numerous public and private hospitals and clinics. All persons residing in the State benefit from social services.

Measures taken to implement the provisions of article 4, concerning the promulgation of the legislation needed to give effect to the Convention

6. Discrimination is prohibited by the Islamic Shari'a and the State is committed to pursuing, at the national and international levels, a policy designed to help to eliminate all forms of racial discrimination.

7. The International Convention on the Elimination of All Forms of Racial Discrimination forms part of the domestic law of the United Arab Emirates and can be invoked before the courts, which are empowered to award compensation to the victims of discrimination.

8. In view of the fact that acts of racial discrimination are unknown in the State, in so far as no such cases have been brought before the judicial authorities and no one has been prosecuted on such grounds in the State, there has been no need to promulgate specific legislative enactments in this regard since the laws in force provide adequate safeguards to protect fundamental freedoms.

9. The Constitution of the United Arab Emirates contains numerous articles that protect children and vulnerable groups and prohibit their exploitation or the exploitation of their labour. It is forbidden for anyone to exploit, enslave or traffic in fellow human beings. Article 15 of the Constitution stipulates that: "The family, which constitutes the foundation of society, is sustained by religion, morality and patriotism. The law shall guarantee its integrity and protect it from corruption". Article 16 further stipulates that: "Society shall cater for the welfare of mothers and children, protect

minors and assist and train them for their benefit and for the benefit of society". Article 34 stipulates that: "No human being may be enslaved".

10. Accordingly, the laws and legislation in force in the United Arab Emirates categorically prohibit the purchase, exploitation and abuse of children. Article 346 of the Federal Penal Code of 1987 stipulates that: "Anyone who causes a person to enter or leave the country with a view to acquiring ownership or disposing of the said person, and anyone who owns, purchases, sells, offers for sale or disposes of a person as a slave, shall be punished by a penalty of imprisonment".

11. The United Arab Emirates attaches considerable importance to the upbringing and education of children and young persons and, to this end, has made primary education compulsory for all persons residing in its territory.

12. Education is free of charge at all levels and the proliferation of hospitals, orphanages, kindergartens and centres for the handicapped in all parts of the State ensures the full care and welfare of all persons without exception, and particularly children, who are residing in the territory of the State.

13. In order to promote the welfare of children by prohibiting child labour, article 20 of the Federal Labour Act of 1980 stipulates that: "It is not permitted to employ young persons of either sex who are under 15 years of age".

14. Article 24 of the Labour Act regulates the employment of young persons in such a way as to ensure their welfare and protection by excluding them from occupations that are arduous or detrimental to their health or morals.

15. Article 34 goes even further by stipulating that: "Criminal responsibility shall be borne by the guardian or curator of the young person if he agrees to the latter's employment in a manner contrary to the provisions of the Act".

16. The Federal Penal Code prescribes deterrent penalties for anyone who misguidedly engages in such acts. Under article 350 of the above-mentioned Act, anyone who, in person or through a third party, exposes a child under seven years of age to danger in a public place is liable to a penalty of imprisonment and a fine.

17. The Federal Labour Act also prohibits the employment of women at night or in types of work that are hazardous, arduous or detrimental to their health or morality. Working women are entitled to maternity leave on full pay for a period of 45 days, as well as 2 other periods each day to breast-feed their infants. These two additional periods, the duration of each of which may amount to up to half an hour, are reckoned as working time and do not entail any reduction in wages. The Act further stipulates that women should receive the same wage as men if they are engaged in the same type of work (arts. 27-34 of section III, entitled "Employment of women").

18. The State recently promulgated the Criminal Code and the Code of Criminal Procedure, both of which incorporate the most modern legal principles for the

promotion of human rights and freedoms. For example, the Criminal Code stipulates that there is no punishment except as provided by law and no criminal penalty may be imposed on any person unless he has been proved guilty in accordance with the law.

19. The Code emphasizes that no one may be arrested, detained or searched except in the circumstances and subject to the conditions provided for by law.

20. The Code also embodies an important principle which is consistent with the provisions of international conventions, namely that an accused person must not be harmed physically or mentally and must not be subjected to torture or degrading treatment.

21. The law does not distinguish between one individual and another, since all are equal before the law. Every accused person has the right to appoint a lawyer to defend him and the State has a legal obligation to assign lawyers, at its expense, to defend accused persons lacking financial means. A further guarantee of the rights of individuals consists in the fact that every accused person is entitled to lodge an appeal with the Court of Appeal and the Court of Cassation, which is in keeping with the most modern legal systems in force.

22. It should be noted that these legislative endeavours in the State have achieved many of their objectives through the promulgation of numerous modern enactments covering all criminal, civil, administrative and commercial fields, as well as matters relating to personal status, testamentary dispositions and inheritance. In this way, the State has established a comprehensive legal framework that enables everyone to exercise his legitimate rights.

The position in regard to domestic servants and foreign workers

23. The Federal Labour Act No. 8 of 1980 is both comprehensive and integrated, since it covers all aspects of labour and embodies the most modern principles contained in the provisions of the Conventions and Recommendations of the International Labour Organization. The Act, which is consistent with international labour standards, is among the world's most highly developed Labour Acts, as attested by the International Labour Organization.

24. Domestic servants and foreign workers sign contracts with employers for a period of one or two years. The worker has a right to periodic annual leave amounting to not less than 30 days, during which he receives full pay together with any housing allowance to which he may be entitled. If the circumstances of the job make it necessary for the worker to work during all or part of his annual leave, and if the period of leave during which he works is not carried over to the following year, his employer must pay him his wage plus compensation, at the basic wage rate, for the leave days worked.

25. The employer does not have the right to dismiss a worker or give him notice of dismissal while he is enjoying the periods of leave provided for in the Labour Act. The employer also has an obligation to provide the worker with medical care.

26. An employer who employs workers at locations that are remote from urban areas must provide them with appropriate means of transport and suitable accommodation, as well as potable water, appropriate food and first-aid, recreational and sports facilities.

27. Termination of an employee's services by his employer is deemed to be arbitrary if the reason for the termination is not related to his work. Such termination is deemed to be arbitrary, in particular, if the employee's services are terminated because of his submission of a serious complaint to the competent authorities or the institution of successful legal proceedings against the employer.

28. An employee who has completed one or more years of service is entitled to a separation-from-service indemnity when his services are terminated. In the event of job-related injuries or occupational diseases, the employer has an obligation to pay all the costs and expenses of the worker's treatment at a hospital or sanatorium.

29. It is once again emphasized that all residents have a guaranteed right to education and several foreign communities in the State have established their own schools to teach their national languages and educational curricula.

30. The Constitution affirms that foreigners residing in the United Arab Emirates are entitled to enjoy the rights and freedoms provided for in the international instruments in force or in conventions and agreements to which the Union is a party.

Protection of freedom of expression and freedom to hold religious gatherings

31. The State's Constitution stipulates that freedom of opinion and expression, either orally, in writing or through any other means of expression, is guaranteed within the limits of the law.

32. All individuals are equal before the law, without distinction on grounds of origin, place of residence or religious belief.

33. Freedom of religion is guaranteed and everyone can practise the rites of the religion of his choice. There are places of worship for the practice of all these rites.

The jurisdiction of the shari'a and civil courts in regard to matters of racial discrimination

34. The structural nature of Islamic society necessitates the establishment of shari'a courts to hear matters relating to the personal status, inheritance and testamentary dispositions of Muslims in accordance with the principles of the Islamic Shari'a.

35. The complex structure of contemporary society has led to the appearance and proliferation of types of crime that were formerly unknown or of extremely low incidence, such as drug-related offences, lethal acts of violence and juvenile delinquency.

36. Owing to the increasing workload of the civil courts, the legislature decided that it would be better to refer some types of criminal offences to the shari'a courts on the understanding that this would not affect the right of defendants to a fair trial with all the recognized safeguards to which reference has already been made.

37. The Department of Public Prosecutions still plays its role in the shari'a courts, in accordance with the provisions of the Code of Criminal Procedure, in order to safeguard the rights of the parties involved.

38. The International Convention on the Elimination of All Forms of Racial Discrimination forms part of the State's domestic law and can be invoked before the courts. The courts are empowered to award compensation to victims of discrimination and have an obligation to apply the provisions of the Criminal Code and the Code of Criminal Procedure that were promulgated recently.

The impact of the Gulf war on the exercise of fundamental rights and freedoms

39. All citizens and residents are equal in regard to their rights and obligations, without distinction on grounds of race, origin, language or religion. The situation of foreigners and migrant workers has not changed since the Gulf war, even though many migrant workers are nationals of States whose viewpoints differed from that of the United Arab Emirates during the Gulf war, and no financial assets or property belonging to individuals, institutions or States have been seized except as required by United Nations resolutions.

40. The State has established a national committee to receive claims for compensation submitted by individuals and institutions in respect of damage suffered during the Gulf war. This is done in accordance with the Security Council resolution and in coordination with the United Nations Compensation Commission.

41. The confiscated assets have been deposited in the special fund established and supervised by the Security Council.

42. If the Committee is concerned at the expulsion of some foreign workers from some Gulf States, in the United Arab Emirates the Gulf war led to the promulgation of numerous legislative enactments and regulations that strengthened the rights and freedoms of foreign workers in the State. In fact, most of those legislative enactments were promulgated after 1992.

ANNEX*

Various statistical tables

1. Estimated population of the United Arab Emirates, by Emirate and sex, 1989-1992.

2. Number of national and foreign students attending schools run by the Ministry of Education, by educational level, nationality and sex, 1986-1992.

3. Number of students and classes at private (mixed) schools, by Emirate and level and type of education, 1991-1992.

4. Number of schools and classes run by the Ministry of Education, number of teaching and administrative staff and number of students, 1983-1992.

5. Population (aged 10 years and above), by educational status, type of education and Emirate, in 1980.

6. State and private education, 1986-1992.

7. Number of adult education centres, by Emirate, 1987-1992.

8. Number of health institutions in the State, by medical district, in 1991.

9. Cases and amounts of social assistance, by Emirate, 1986-1991.

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* Available for consultation in the files of the secretariat.

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